IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (STAMP) NO.13357 OF 2006
IN
CONTEMPT PETITION NO.82 OF 1993
IN
CIVIL APPLICATION NO.112 OF 1989
IN
FIRST APPEAL NO.51 OF 1989
IN
B.C.C.C. SUIT NO.6252 OF 1989

Mohanlal Ghanshamdas Kukreja ...Applicant

Versus

Bombay Housing & Area Development

Board & Ors. ...Respondents

.....

Mr.A.V.Jain for Applicant.

Mr.A.R.Patil, A.G.P. for Respondents 1 & 2.

Mrs.S.I.Shah for Respondents 4, 5 & 6.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 10, 2006.

P.C.

1. Heard Counsel for the Applicant and Counsel for Respondents 4, 5 & 6.

2. In my opinion, however, as the Contempt

Petition has already been admitted, obviously, the concerned Judge being satisfied that prima facie case has been made out to initiate action against the Respondents/Contemnors, the matter will have to be taken to its logical end. Accordingly, objection of the Respondents 4 to 6, through Counsel that no indulgence be shown to the Applicant/Petitioner will have to be turned down. This is so, because it is well established that contempt action is essentially between the Contemnor and the Court. Merely because the Applicant failed to take some steps which were required to be taken, will not preclude the Court from proceeding with the matter and taking it to its logical end.

3. Accordingly, this Application is allowed in the interest of justice in terms of prayer clauses (a) and (b).

4. Fresh show-cause notice be issued to Contemnors 1 to 3 in terms of this order, returnable on 19th September 2006.

5. In addition, the Applicant shall ensure that the said Respondents are served by Advocate's notice, either personally or by courier/speed post/ e-mail/fax on or before 8th September 2006, and file an affidavit of service on or before the returnable date.

A.M.KHANWILKAR, J.